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WELLS FARGO & CO.

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VERONICA GUTIERREZ, *et al.*,

Plaintiffs,

v.

WELLS FARGO & COMPANY, *et al.*,

Defendants.

Civil Case No.: CV-07-5923 WHA (JCSx)

**DECLARATION OF DAVID M.  
JOLLEY IN SUPPORT OF  
DEFENDANT WELLS FARGO BANK,  
N.A.'S MOTION FOR SUMMARY  
JUDGMENT**

Date: August 21, 2008  
Time: 8:00 a.m.  
Courtroom: 9

Honorable William H. Alsup

1 I, David M. Jolley, declare as follows:

2 1. I am an attorney in the law firm of Covington & Burling LLP, counsel of  
3 record for Defendants Wells Fargo Bank, N.A. and Wells Fargo & Company, in this action. I  
4 am licensed to practice law in the State of California. The matters set forth herein are true and  
5 correct of my own personal knowledge and, if called as a witness, I could and would testify  
6 competently thereto.

7 2. A true and correct copy of relevant excerpts of the transcript and exhibits  
8 of the Deposition of Veronica Gutierrez, dated June 12, 2008, is attached hereto as **Exhibit 1**.

9 3. A true and correct copy of relevant excerpts of the transcript and exhibits  
10 of the Deposition of Erin Walker, dated June 13, 2008, is attached hereto as **Exhibit 2**.

11 4. A true and correct copy of relevant excerpts of the transcript and exhibits  
12 of the Deposition of William Smith, dated June 18, 2008, is attached hereto as **Exhibit 3**.

13 5. A true and correct copy of Plaintiff Veronica Gutierrez's Responses to  
14 Wells Fargo Bank's Special Interrogatories (Set One), served on April 23, 2008, is attached  
15 hereto as **Exhibit 4**.

16 6. A true and correct copy of Plaintiff Erin Walker's Responses to Wells  
17 Fargo Bank's Special Interrogatories (Set One), served on April 23, 2008, is attached hereto as  
18 **Exhibit 5**.

19 7. A true and correct copy of Plaintiff William Smith's Responses to Wells  
20 Fargo Bank's Special Interrogatories (Set One), served on April 23, 2008, is attached hereto as  
21 **Exhibit 6**.

22 8. A true and correct copy of Plaintiff Veronica Gutierrez Response to Wells  
23 Fargo Bank's Special Interrogatory (Set Two), served on July 7, 2008, is attached hereto as  
24 **Exhibit 7**.

25 9. A true and correct copy of Requests for Admission from Wells Fargo  
26 Bank, N.A. to Plaintiff Veronica Gutierrez (Set Two), served on June 5, 2008, is attached hereto  
27 as **Exhibit 8**.

1                   10.     A true and correct copy of Plaintiff Erin Walker's Response to Wells  
2 Fargo Bank's Special Interrogatory (Set Two), served on July 7, 2008, is attached hereto as  
3 **Exhibit 9.**

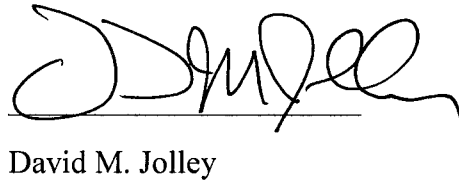
4                   11.     A true and correct copy of Requests for Admission from Wells Fargo  
5 Bank, N.A. to Plaintiff Erin Walker (Set Two), served on June 5, 2008, is attached hereto as  
6 **Exhibit 10.**

7                   12.     A true and correct copy of Plaintiff William Smith's Response to Wells  
8 Fargo Bank's Special Interrogatory (Set Two), served on July 7, 2008, is attached hereto as  
9 **Exhibit 11.**

10                  13.     A true and correct copy of Requests for Admission from Wells Fargo  
11 Bank, N.A. to Plaintiff William Smith (Set Two), served on June 5, 2008, is attached hereto as  
12 **Exhibit 12.**

13                   I declare under penalty of perjury under the laws of the United States and the  
14 State of California that the foregoing is true and correct.

15                   Executed on July 10, 2008, in San Francisco, CA.

16  
17   
18 David M. Jolley